

REMARKS

The Examiner's comments in paragraphs 1-3 of the Office Action have been noted. and cited prior art documents have been carefully considered.

In paragraph 4 of the Office Action, claims 20-23 were rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested.

Claims 20-23 have been canceled and the expression ``including three layer'' have been replaced by the expression ``including three layers''. Moreover, new claim 24 does not include the term ``and dyed wool felt''. This term has been replaced by the term ``or a non-woven''. New claim 24 recites that the top layer may comprise either a woven or a non-woven material and this claim does not include the term ``marks or''. The expression ``projecting and recessed patterns'' has been adopted to point out the nature of the surface of the Applicant's modular laminate coating element: In other words, it is merely stated that the top face of the top layer and the top surface of the middle layer have either projecting or recessed portions as a manner of describing an embossed surface.

New claim 25 substantially corresponds to canceled claim 21 except that the expression ``said central layer having hot impressed surface marks or projecting and recessed patterns'' has been deleted.

Thus, it is respectfully requested that the rejection under 35 U.S.C. 112, second paragraph not be applied against the newly presented claims.

In paragraph 4 of the Office Action, claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bender et al. (Bender) in view of Latzke and further in view of Dessimant et al. (Dessimant).

Reconsideration is requested.

New claim 24 points out that the top, central and bottom layers are hot coupled to one another, without using adhesive materials, and being die-cut and hot pressed to provide said top face of said central layer and said top layer surface of said top layer with surface projecting and recessed patterns.

None of the prior art references disclose these features. Bender discloses a sheet for the manufacture of cushioned insoles comprising a substrate and a foamed plastic layer where the substrate comprises a bonded fibrous web which is flame laminated to the foamed plastic layer which comprises a closed cell cross linked polyolefin foam.

Bender does not teach the concept of die-cutting and hot pressing the top layer to provide the top layer top face and the middle layer top surface with projecting and recessed patterns.

In this respect, the Applicant requests that the Examiner consider that one skilled in the art who is selecting materials for covering floors and walls, would not be directed induced to the insole art which is not an analogous art. In addition, the construction of Bender is very different from the laminate construction pointed out in new claim 24, for the reasons stated above.

Latzke discloses a device for storing and distributing heat on areas of the outer surface of the human skin comprising a pair of closed porous polyethylene foam layers, and a flexible heat conductive metal layer interposed between said foam layers, a skin compatible layer of textile fabric laminated to an entire outer surface of one of said foam layers, wherein said skin compatible layer is the top-most layer such that said skin compatible layers comes into direct contact with the skin of the user.

The laminated construction taught by Latzke cannot be compared with the laminate pointed out in new claim 24. Actually, Applicant's laminate does not include a heat conductive metal layer; moreover, this prior art document does not teach or suggest the use of die-cutting and hot pressing a

laminate to provide the above mentioned projecting and recessed patterns. It is moreover respectfully submitted that the teachings of Latzke could not be combined with the teachings of the first mentioned prior art document to arrive at the laminate construction as pointed out in claim 24. Finally, the Dessaint patent discloses that a stain resistant property may be imparted onto textile fabrics including woven and non-woven articles. However, this stain resistant property does not represent the main feature of the claimed laminate, but, as stated, the main feature of the claimed laminate is the provision of projecting and recessed patterns on the top face of the top layer and on the top surface of the middle layer, which are together die-cut and hot pressed. For these reasons, it is requested that this ground of rejection not be applied to reject the amended claims.

An early and favorable action is earnestly solicited.

Respectfully submitted,



James V. Costigan
Reg. No. 25,669

MAILING ADDRESS:

HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036-2601
(212) 302-8989